



General Assembly

January Session, 2011

Raised Bill No. 850

LCO No. 2552

02552_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE
SERVICES, DEPARTMENT OF TRANSPORTATION AND
PREQUALIFICATION AND EVALUATION OF CONTRACTORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (i) of section 4a-100 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (i) The commissioner [may not issue or renew] shall deny a
5 prequalification certificate to any contractor or substantial
6 subcontractor (1) who is disqualified pursuant to section 31-57c or 31-
7 57d, [or] (2) who has a principal or key personnel who, within the past
8 five years, has a conviction or has entered a plea of guilty or nolo
9 contendere for or has admitted to commission of an act or omission
10 that reasonably could have resulted in disqualification pursuant to any
11 provision of subdivisions (1) to (3), inclusive, of subsection (d) of
12 section 31-57c or subdivisions (1) to (3), inclusive, of subsection (d) of
13 section 31-57d, as determined by the commissioner, or (3) who, within
14 the past five years, has received three or more unsatisfactory written
15 evaluations.

16 Sec. 2. Subsection (o) of section 4a-100 of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2011*):

19 (o) Any contractor or substantial subcontractor aggrieved by the
20 commissioner's final determination concerning a preliminary
21 determination, a denial of certification, a reduction in prequalification
22 classification or aggregate work capacity rating or a revocation [or
23 nonrenewal] of certification may appeal to the Superior Court in
24 accordance with section 4-183.

25 Sec. 3. Subsection (e) of section 4a-101 of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective*
27 *October 1, 2011*):

28 (e) No person, public agency, employee of a public agency or
29 certifying official of a public agency shall be held liable to any
30 contractor, substantial subcontractor or subcontractor for any loss or
31 injury sustained by such contractor, substantial subcontractor or
32 subcontractor as the result of the completion of an evaluation form, as
33 required by this section, unless such person, agency, employee or
34 official is found by a court of competent jurisdiction to have acted in a
35 wilful, wanton or reckless manner.

36 Sec. 4. Section 13b-20n of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective from passage*):

38 With respect to any contract for the construction, reconstruction,
39 alteration, remodeling, repair or demolition of any public building
40 under the supervision and control of the Commissioner of
41 Transportation which contract is estimated to cost more than five
42 hundred thousand dollars and is not subject to section 4b-51, the
43 Commissioner of Transportation shall award the contract to the lowest
44 responsible and qualified bidder, as defined in section 4b-92, in
45 accordance with regulations which the commissioner shall adopt, in
46 accordance with chapter 54. Such regulations shall be adopted not later

47 than October 1, 2012, and shall establish, at a minimum: (1) Standards
48 for the advertisement of opportunities to bid, (2) objective criteria for
49 evaluating the qualifications of bidders, (3) the procedures for
50 evaluating bids after the prequalification status of a bidder has been
51 verified, provided no bidder shall be deemed prequalified if such
52 bidder has, within the past seven years, received three or more
53 unsatisfactory written evaluations of the bidder's performance on
54 public or private projects, and (4) award panels for the purpose of
55 screening submitted proposals, interviewing bidders and making
56 recommendations to the commissioner. Any contract that is subject to
57 section 4b-51 shall be awarded by the Commissioner of Public Works
58 in accordance with chapter 60.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	4a-100(i)
Sec. 2	<i>October 1, 2011</i>	4a-100(o)
Sec. 3	<i>October 1, 2011</i>	4a-101(e)
Sec. 4	<i>from passage</i>	13b-20n

Statement of Purpose:

To modify the contractor prequalification statutes so the Department of Administrative Services and Department of Transportation may more effectively identify contractors with past unsatisfactory contract performances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]